

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Court No. 05-10633-MEL
	)	
VINCENTE DUARTE,	)	
	)	
Defendant.	)	

**UNITED STATES' MOTION FOR DEFAULT**

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, the plaintiff, United States of America, moves this Court to enter a default against the defendant, Vincente Duarte (hereinafter "Duarte"), for failing to plead to, or otherwise defend, the complaint for the above captioned action.

In support, the United States says:

1. According to our office records, Duarte is indebted to the United States for the principal amount of \$130,526.88; plus \$25,833.98 accrued interest; plus costs. The total balance as of November 30, 2005 is \$156,360.86.

2. The submitted affidavit of Tricia L. Desingco, Paralegal for the United States Attorney's Office Financial Litigation Unit, Boston, Massachusetts, establishes Duarte's failure to plead to the complaint.

WHEREFORE, the United States moves this Court to enter a default, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, against Duarte for failing to plead to, or otherwise defend, the complaint in the above captioned action.

Respectfully submitted,

UNITED STATES OF AMERICA  
By its attorneys

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/ Christopher R. Donato  
CHRISTOPHER R. DONATO  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3303

Dated: November 30, 2005

**CERTIFICATE OF SERVICE**

Suffolk, s.s.

Boston, MA

I hereby certify that on this day, I served a copy of the foregoing by mailing to Vincente Duarte at 154 Langley Street, Apt. 1, Fall River, MA 02720.

/s/ Christopher R. Donato  
CHRISTOPHER R. DONATO  
Assistant U.S. Attorney


UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA, )  
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Plaintiff, )  
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v. ) Court No. 05-10633-MEL  
 )  
VINCENTE DUARTE, )  
 )  
Defendant. )

**AFFIDAVIT SUPPORTING UNITED STATES' MOTION FOR DEFAULT**

I, Tricia L. Desingco, state under oath that:

1. I am a Paralegal with the United States Attorney's Office Financial Litigation Unit located in Boston, Massachusetts.
2. In that capacity, I process and maintain debt collection cases, including the case of Vincente Duarte (hereinafter "Duarte"). I am also the custodian of the records for such cases.
3. Duarte was served, according to the return of service, with a summons and complaint on May 15, 2005 at 154 Langley Street, Apt. 1, Fall River, MA 02720. See attached exhibit "A". As of November 30, 2005, Duarte has not served on the United States Attorney an answer, or other responsive pleading, to the complaint in the above captioned action.

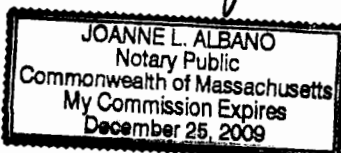
  
Tricia L. Desingco  
Paralegal

Date: November 30, 2005

Signed and sworn to before me at Boston, Massachusetts, on this 30 day of November, 2005.

  
Notary Public

My commission expires:



EXHIBIT

Case 1:05-cv-10633-MEL

Filed 05/27/2005 Page 1 of 2

U.S. Department of Justice  
United States Marshals Service

ESS RECEIPT AND RETURN

Instructions for "Service of Process by the U.S. Marshal"  
on the reverse of this form.

PLAINTIFF	United States of America		COURT CASE NUMBER	05 - 10633 - MEL
DEFENDANT	Vincente Duarte		TYPE OF PROCESS	Summons - Complaint
SERVE	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN			
AT	Vincente Duarte			
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)			
	677 Maple Street, Fall River, MA 02720 NG			
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:			Number of process to be served with this Form - 285	1
Nancy M. Rojas U.S. Attorney's Office Criminal Division Unit 600 Courthouse Way, Ste 920 Boston, MA 02210			Number of parties to be served in this case	2:29
			Check for service on U.S.A.	1

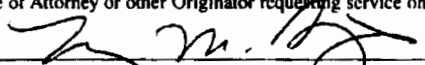
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Fold

Alternative address: 154 Langley St. Apt 1  
Fall River, MA 02720  
Name 000 MAIL BOX

Signature of Attorney or other Originator requesting service on behalf of:


☒ PLAINTIFF☐ DEFENDANT

TELEPHONE NUMBER

617-745-3385

DATE

3/31/05

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	1	No. 38	No. 38	Nancy M. Rojas	3/31/05

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

Elizebeth Duarte (daughter)

Address (complete only if different than shown above)

☒ A person of suitable age and discretion then residing in the defendant's usual place of abode.

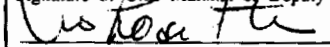
Date of Service

5/25/05

Time

12:40

Signature of U.S. Marshal or Deputy



Service Fee	Total Mileage Charges (including enclaves)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
90.00	36.50	—	126.50			

REMARKS: 4/14/05 - 10:25 AM - NO ANSWER 677 MAPLE ST (HOUSE FOR SALE)  
4/14/05 10:35 AM - NO ANSWER 154 LANGLEY ST. (SUND)  
4/12/05 1:30 PM - NO ANSWER 154 LANGLEY ST. 2. HR

PRIOR EDITIONS  
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/00)